

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL WRIT PETITION NO.10839 OF 2014

Mr. Deepak Yashavant Warang
and others

.... Petitioners

versus

The State of Maharashtra
and another

... Respondents

Ms.Preeti Walimbe for the Petitioners.

Mr.V.N. Sagare, AGP for the Respondent/State.

**CORAM : ANOOP V. MOHTA AND
G.S. KULKARNI, JJ.**

DATE : 03rd OCTOBER, 2016.

ORDER :-

1. The Petitioners, who at the time of retirement, were working as Senior Clerks in the service of State Government, have approached this Court in the present petition making following prayers;

“a) This Hon'ble Court be pleased to issue appropriate writ/order/direction in the nature of writ calling for records and proceedings with respect to communication dated 10.9.2014 issued by the Respondent No.2 (Exhibit – H) and after examining the legality and propriety of the said communication dated 10.9.2014, this Hon'ble Court may be pleased to quash and set aside the same;

- b) *that this Hon'ble Court may be pleased to hold and declare that the service rendered by the Petitioners as Seasonal Godown Keepers should be taken into consideration for the purpose of computing the entitlement and quantum of their pension;*
- c) *that this Hon'ble Court may be further pleased to issue writ of mandamus or any other appropriate writ/order/direction in the nature of writ directing the Respondents to consider the entire period of service rendered by the Petitioners as a Seasonal Godown Keepers for the purpose of computing their entitlement and quantum of pension and compute the pension amount as well as arrears of pension;*
- d) *Costs be provided for;*
- e) any other just and reasonable orders as this Hon'ble Court deems fit be passed in the interest of justice;

2. Having considered the prayers it would be appropriate that the Petitioners approach Maharashtra Administrative Tribunal (MAT), as this is a service dispute against the State Government falling within the purview of Section 15 of the Administrative Tribunal Act, 1985.

3. The Petitioners shall approach the Maharashtra Administrative Tribunal within two weeks from today. Needless to

observe that the Maharashtra Administrative Tribunal while entertaining the application of the Petitioners shall consider the fact of pendency of this petition.

4. The Petition is accordingly disposed of with liberty to the Petitioners to approach the Maharashtra Administrative Tribunal.

5. All contentions of the parties on merits of the matter are kept open.

(G.S. KULKARNI, J.)

(ANOOP V. MOHTA, J.)